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terms of said note. But if default be made in the payment of the principal or interests of said note, then the party of the second part, his heirs, executors administrators and assigns, and hereby empowered to sell the premises above described on any part thereof in the manner prescribed by law & out of the money arising from such sale, to return the said principal and interest together with the costs & charges of making such sale, & the surplus if any there be shall be paid by the party making such sale to the aforesaid party of the first part, his heirs, executors, administrators and assigns. In witness whereof, the said party of the first part hath hereunto set his hand & seal the day & year first hereinafter written.

Register Office, Honolulu December 27<sup>th</sup> 1858. Personally appeared before me this day Wm. Pease, party to the foregoing instrument, & acknowledged that he had executed the same for the uses & purposes therein set forth.

Thomas Prudden, Deputy Registrar of Conveyances  
 Received this 11<sup>th</sup> day of January AD 1859 at 2<sup>nd</sup> Post & 2<sup>nd</sup> St. at 8 PM  
 Thomas Prudden, Deputy Registrar of Conveyances

Pres<sup>t</sup> of Board of Education to Wm Webster  
 Deeds

Know all men by these presents, that J. R. Armstrong, President of the Board of Education of the Hawaiian Government in pursuance of a resolution of the Board of Education of the 25<sup>th</sup> Dec<sup>r</sup> 1858 & in accordance with the laws of the Hawaiian Kingdom, in consideration of the sum of Two Thousand Dollars to me in hand paid by William Webster, the receipt of which I do hereby acknowledge, do by these presents, give, grant, bargain sell & convey unto the said Wm Webster & his heirs & assigns forever, all that lot of land situated in Honolulu known as the "Old Royal School Premises" being awarded to the Hawaiian Government on the 9<sup>th</sup> day of October 1852, by award No 3708 & bounded as follows: "Beginning at the South corner of this lot, where it joins the lot of John Si & running north 37° East 86 1/2 feet by lot of John Si & William to angle, thence N 61° 30' E 134 feet along the lot of said William to north East corner of this lot, thence N 33° 45' W 285 feet along the lot of Rapahukhepau, Pale & L. Kanaia, to north corner of this lot, thence S 44° W 286 feet by lot of Rapahukaili Queen Savaages to Palace Walk, thence S 47° East 292 feet along the mauka side of Palace Walk to point of beginning, containing one acre & six tenths more or less, together with all & singular the hereditaments & appurtenances thereto belonging, or in any wise appertaining. To have & to hold the above conveyed premises & all the tenements & hereditaments situated thereon unto the said William Webster his heirs, executors, administrators & assigns forever, In witness whereof I the said J. R. Armstrong have hereunto set my hand & seal this 7<sup>th</sup> day of January 1859.

Richard Armstrong  
 President of the Board of Education

EXHIBIT 40



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Registrar Office, Auckland January 11<sup>th</sup> 1859 Personally appeared before me  
Richard Armstrong & acknowledged that he executed the foregoing deed for the  
purposes therein stated

Thomas Brown Deputy Registrar of Conveyances  
Rec'd Comp<sup>d</sup> this 11<sup>th</sup> day of January A.D. 1859 at 4 O'clock P.M.  
Thomas Brown Deputy Registrar of Conveyances

Wm Webster to Pres<sup>t</sup> of Board of Education  
Mortgage Deed

Know all men by these presents, that I, William Webster of Honolulu  
for & in consideration of the sum of one dollar to me paid in hand by Richard  
Armstrong President of the Board of Education the receipt whereof I hereby  
confess & acknowledge, have granted, bargained, sold, remised, released, aliened  
& confirmed & by these presents do want, bargain, sell, remise, release, alien  
& confirm unto the said Richard Armstrong & to his Successors in Office, all  
that certain piece of land situate in Honolulu in the Island of Oahu  
Hawaiian Islands known as the "Old School Royal Premises" and  
bounded as follows, viz: "Beginning at the South corner of this  
lot, where it joins the lot of John Si & running N. 37° E 86 1/2 feet by lot  
of John Si & Williams to angle, thence N. 41° 39' E 134 feet along the lot of  
said William to mark the East corner of this lot, thence N. 33° 45' W 285 feet  
along the lot of Kapahukopua, Pale & Kanaia, to North corner of this  
lot thence S. 44° W 286 feet by lot of Kapahukaitia Queen Dowager to  
Palace Walk thence S. 47° E 292 feet along the inside side of Palace Walk  
to point of beginning & containing one acre & six tenths more or less —  
I have to hold the said above described premises together with all and  
singular the tenements, hereditaments & appurtenances thereto belonging  
to the said Richard Armstrong & to his Successors in Office for ever

This Conveyance is intended as a Mortgage to secure the payment  
of a certain Note of hand of even date herewith drawn by His Majesty  
Ranichamahele IV in favor of R. Armstrong President of the Board of  
Education for the sum of Two Thousand Dollars with interest payable  
one year after date, the interest payable half yearly & if the said note  
principal & interest is paid as specified then this conveyance shall become  
void & the estate hereby granted shall cease & utterly determine. But  
in case default shall be made in the payment of the principal or interest  
as above provided then the said R. Armstrong or his Successors in Office  
are hereby empowered to sell the premises above described with all and  
every of the appurtenances or any part thereof in the manner prescribed by  
law & out of the money arising from such sale to retain the said principal  
& interest together with the costs & charges of making such sale & the surplus  
if any thing shall be paid by the party making such sale on demand  
to the party of the first part his heirs assigns — In witness whereof  
I have hereunto set my hand & seal this 7<sup>th</sup> day of January A.D. 1859

Wm Webster - O -